

Merson Law, PLLC

950 Third Avenue, 18th Floor

New York, NY 10022

212-603-9100

Faxsimile 347-441-4171

www.mersonlaw.com

Please mail all correspondence to NY office



Merson Law, PLLC

Pennsylvania Office

1525 Locust Street, 19th Floor

Philadelphia, PA 19102

August 16, 2021

VIA ECF FILING

Hon. Brenda K. Sannes, U.S.D.J.

Hon. Andrew T. Baxter, U.S.M.J.

United States District Court

Northern District of New York

Federal Building and U.S. Courthouse

P.O. Box 7336

Syracuse, NY 13261-7336

Re: Sarah Powers-Barnhard v. Rick Butler
Case #: 5:19-cv-01208-BKS-ATB

Dear Hon. Sannes and Hon. Baxter,

My firm represents Plaintiff in the above referenced matter. We are sending this letter in response to Defense Counsel's letter. Putting aside Mr. Butler's actions in North Carolina to briefly address Defendant's claims, pursuant to the phone call between Counsel on April 13, 2021, Defendant was supposed to provide Plaintiff with a proposed Order of Confidentiality so that confidential discovery could be exchanged and they still have not done so.

Nonetheless the only discovery outstanding from Plaintiff is Plaintiff's psychological records which just came into our possession this weekend and were intended to be produced this week pending the Order of Confidentiality to protect both parties. As stated multiple times to both Defense Counsel and this Court, Plaintiff has not kept documents regarding this matter herself, as is often the case in child sexual assault matters, and, as such, Plaintiff is having to get documents from other non-parties whom Defendant is familiar with. Conversely, not only were Defendant's responses to their discovery demands also deficient, Plaintiff is still waiting on DCFS documents from Defense Counsel pursuant to her March 23, 2021 email. As such, there are no grounds for sanctions in this matter. In closing, it is again unfortunate that Defense Counsel has asked for sanctions after being directed by the Court not to do so every single time she writes a letter to the Court.

Thank you for Your Honors' attention to these matters.

Respectfully submitted,

Jaclyn Ponish
Jaclyn M. Ponish, Esq.
Attorneys for Plaintiff
MERSON LAW, PLLC

cc via ECF Filing:

Danielle D'Ambrose, Esq.

D'Ambrose P.C.

205 North Michigan Avenue,

Suite 810

Chicago, Illinois 60601